UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)	
Office Action Summary		09/767,374		THOMPSON ET AL.	
		Examiner		Art Unit	
		Victor Lesniewski		2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 January 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-83_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-83_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _4 and 5_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This application has been examined.

2.   Claims 1-83 are now pending.

Information Disclosure Statement

3.   The IDS filed on 3/26/2001 (Paper #4) and the IDS filed on 10/3/2002 (Paper #5) have

been considered.

Claim Objections

4.   There is a misnumbering in the claims. Two claims have been numbered 77.

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA

1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to

overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6.   Claims 1-83 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-117 of U.S. Patent Number 6,732,176 in view of Feder et al. (U.S. Patent Number 6,512,754), hereinafter referred to as Feder.

7.   Examining the current application, when dependent claim 16 is incorporated into claim 1 it appears to be the same as claim 1 of U.S. Patent Number 6,732,176. This type of analysis can be used throughout the rest of the claims of the present application as well. In this way, U.S. Patent Number 6,732,176 presents a similar system and methods for providing access to a network system as the present application. However there are small differences not accounted for in the claims of U.S. Patent Number 6,732,176. Specifically, the present application claims relation to wireless service providers, virtual access points, and extended service set IDs. In an analogous art, Feder disclosed all of these missing characteristics, so it is clear that they were known in the art at the time of the applicant's invention. Furthermore, Feder's invention accomplishes the same goals as that of the invention of U.S. Patent Number 6,732,176, namely providing access and roaming features over a network. Thus it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the invention claimed in U.S. Patent Number 6,732,176 with the characteristics of wireless service providers,

virtual access points, and extended service set IDs as provided by Feder in order to direct the system toward wireless service providers.

8.   Since the present application and the claims of U.S. Patent Number 6,732,176 present a similar system and methods for providing access to a network system, the claims of the present application will be analyzed relative to the claims of U.S. Patent Number 6,732,176, noted in parentheses, in the analysis of the following paragraph. Those claims in the present application that are directed toward wireless service providers, virtual access points, and extended service set IDs are rejected based upon the noted claims of U.S. Patent Number 6,732,176 in correlation with appropriate reference to Feder. Examples of Feder's disclosure include: for wireless service providers see, inter alia, column 8, lines, 52-57; for virtual access points see, inter alia, column 7, lines 8-20; for extended service set IDs see, inter alia, column 9, lines 7-12. In addition, some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a system or similar method are rejected under the same rationale applied to the described claim.

9.   The combination of U.S. Patent Number 6,732,176 and Feder discloses:

- <Claims 1, 30, and 62>

    A method for providing access to a network system wherein the network system includes a plurality of access points coupled to a network, the method comprising: a first access point receiving identification information from a portable computing device, wherein the identification information indicates a wireless service provider of a plurality of possible wireless service providers; determining the wireless service provider for the portable computing device after receiving the identification information; the first access point

receiving data from the portable computing device through the wireless service provider

determined in said determining (claim 1).

- <Claims 2, 31, and 63>

  The method of claim 1, wherein said first access point is operable to accommodate

  subscribers of each of the plurality of possible wireless service providers (claim 3).

- <Claims 3, 32, and 64>

  The method of claim 2, further comprising: the first access point recognizing a System ID

  (SID) of a plurality of possible SIDs, wherein each of the plurality of possible SIDs is

  associated with a respective one of the plurality of possible wireless service providers

  (claim 1).

- <Claims 4, 33, and 65>

  The method of claim 3, further comprising: the first access point maintaining associations

  between the plurality of possible SIDs and the plurality of possible wireless service

  providers (claim 5).

- <Claims 5, 34, and 66>

  The method of claim 3, further comprising: the first access point maintaining associations

  between the plurality of possible SIDs and the plurality of active subscribers (claims 3

  and 5).

- <Claims 6, 35, and 67>

  The method of claim 2, further comprising: the first access point broadcasting a plurality

  of possible SIDs, wherein each of the plurality of possible SIDs is associated with a

  respective one of the plurality of possible wireless service providers (claim 1).

- <Claims 7, 36, and 68>

  The method of claim 1 wherein said first access point is operable to function as a wireless service provider access point for each of the plurality of possible wireless service providers (claim 1).

- <Claims 8, 37, and 69>

  The method of claim 1 wherein said first access point comprises computer software which implements a plurality of virtual access points, wherein each virtual access point corresponds to one of the plurality of possible wireless service providers, and wherein each virtual access point provides network access services to the corresponding wireless service provider (claims 5 and 25-27).

- <Claims 9, 38, and 70>

  The method of claim 8 wherein each virtual access point provides access point functionality implemented in software, wherein each virtual access point appears as a physical access point to the portable computing device (claims 25-27).

- <Claims 10, 39, and 71>

  The method of claim 8 wherein each virtual access point executes a wireless protocol stack (claim 28).

- <Claims 11, 40, and 72>

  The method of claim 10 wherein the wireless protocol stack comprises an IEEE 802.11 wireless protocol stack (claim 31).

- <Claims 12, 41, and 73>

  The method of claim 8 wherein each virtual access point includes an Extended Service

  Set ID (ESSID), and wherein each ESSID corresponds to one of the plurality of possible

  wireless service providers (claim 13).

- <Claims 13, 42, and 74>

  The method of claim 1 wherein said providing network access comprises providing the

  data received from the portable computing device to a destination based on the

  determined wireless service provider (claim 2).

- <Claims 14, 43, and 75>

  The method of claim 1 wherein the network system is useable by subscribers of each of

  the plurality of possible wireless service providers (claim 3).

- <Claims 15, 44, and 76>

  The method of claim 1 further comprising: maintaining and storing a usage amount by

  the portable computing device; wherein the determined wireless service provider charges

  for access by the portable computing device to the network (claim 4).

- <Claims 16, 45, and 77>

  The method of claim 1 wherein the network system includes a memory medium which

  stores a data structure comprising a list of identification information and a corresponding

  list of the plurality of possible wireless service providers; and wherein said determining

  the wireless service provider for the portable computing device includes accessing the

  memory medium and using the received identification information to determine the

  wireless service provider (claim 1).

- <Claims 17 and 47>

  The method of claim 1 wherein the network system includes a memory medium which stores a data structure comprising a list of identification information, a corresponding list of the plurality of possible wireless service providers, and associated methods for providing data to the respective plurality of possible wireless service providers; and wherein said determining the wireless service provider for the portable computing device includes accessing the memory medium, using the received identification information to determine the wireless service provider, and using an associated method for providing the data to the wireless service provider (claim 5).

- <Claims 18 and 49>

  The method of claim 17 wherein the data structure stores a destination address indicating a destination specified by the wireless service provider; and wherein said providing the data comprises providing the data to the destination specified by the wireless service provider (claim 6).

- <Claims 19, 50, and 78>

  The method of claim 1 wherein the plurality of access points are maintained by a first wireless service provider; and wherein the identification information indicates a second wireless service provider (claim 7).

- <Claims 20, 51, and 79>

  The method of claim 1 wherein the identification information comprises a System ID, wherein the System ID uniquely identifies the wireless service provider of the plurality of possible wireless service providers (claim 13).

- <Claims 21, 52, and 80>

  The method of claim 1 wherein the identification information comprises an Extended

  Service Set ID (ESSID), wherein the ESSID uniquely identifies the wireless service

  provider of the plurality of possible wireless service providers (claim 13).

- <Claims 22, 53, and 54>

  The method of claim 1 further comprising: the first access point receiving identification

  information from a portable computing device, wherein the identification information

  indicates a first wireless service provider of the plurality of possible wireless service

  providers; determining the first wireless service provider for the portable computing

  device after receiving the identification information; the first access point receiving data

  from the portable computing device; providing the data received from the portable

  computing device to a destination associated with the first wireless service provider; the

  first access point receiving identification information from the portable computing

  device, wherein the identification information indicates a second wireless service

  provider of the plurality of possible wireless service providers; determining the second

  wireless service provider for the portable computing device after receiving the

  identification information; the first access point receiving data from the portable

  computing device; and providing the data received from the portable computing device to

  a destination associated with the second wireless service provider (claim 14).

- <Claims 23, 56, and 81>

  The method of claim 1 wherein the plurality of access points are arranged at known

  locations in a geographic region, the method further comprising: the first access point

providing geographic location information indicating a known geographic location of the

portable computing device; wherein said providing network access comprises selectively

providing network access to the portable computing device based on the known

geographic location of the portable computing device (claim 15).

- <Claims 24, 57, and 82>

The method of claim 1 wherein the plurality of access points are arranged at known

locations in a geographic region, the method further comprising: the first access point

providing geographic location information indicating a known geographic location of the

portable computing device; and determining an access level for the portable computing

device after receiving the identification information; wherein said providing network

access comprises selectively providing network access to the portable computing device

based on the known geographic location of the portable computing device and the

determined access level (claims 15 and 16).

- <Claims 25, 58, and 83>

The method of claim 1 further comprising determining an access level for the portable

computing device after receiving the identification information; the first access point

receiving data from the portable computing device; and providing the data received from

the portable computing device to a destination based on the determined access level

(claim 16).

- <Claims 26 and 59>

The method of claim 25 wherein said providing the data comprises: providing the data to

one or more resources on the network to allow the portable computing device access to

the one or more resources on the network if the access level is a first access level; and

providing the data to a destination for external access out of the network to only allow the

portable computing device access to other networks if the access level is a second access

level; wherein, if the access level is a second access level, the data is not provided to the

one or more resources on the network (claim 17).

- <Claims 27 and 60>

The method of claim 26 further comprising: assigning a wireless communication channel

for communication between the first access point and the portable computing device

(claim 19).

- <Claim 28>

The method of claim 27 wherein the first access point assigns the wireless

communication channel for communication between the first access point and the

portable computing device (claim 20).

- <Claims 29 and 61>

The method of claim 27 wherein said assigning comprises assigning the wireless

communication channel based on one or more of: the identification information received

from the portable computing device, the determined wireless service provider, or a

determined access level for the portable computing device, wherein said determined

access level is determined after receiving the identification information (claims 21-23).

- <Claim 46>

The network system of claim 45 wherein the memory medium is comprised in one or

more of the access points (claim 40).

- <Claim 48>

  The network system of claim 47 wherein the memory medium is comprised in one or

  more of the access points (claim 40).

- <Claim 55>

  The network system of claim 30 wherein each of the plurality of access points is operable

  to provide the data to the destination in a secure manner (claim 48).

Since the combination of U.S. Patent Number 6,732,176 and Feder discloses all of the above

limitations, claims 1-83 are rejected.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.   Claims 1-10, 12-39, 41-71, and 73-83 are rejected under 35 U.S.C. 102(e) as being

anticipated by Feder.

12.   Feder has disclosed:

- <Claims 1, 30, and 62>

  A method for providing access to a network system wherein the network system includes

  a plurality of access points coupled to a network, the method comprising: a first access

  point receiving identification information from a portable computing device, wherein the

identification information indicates a wireless service provider of a plurality of possible

wireless service providers; determining the wireless service provider for the portable

computing device after receiving the identification information; the first access point

receiving data from the portable computing device through the wireless service provider

determined in said determining (column 10, lines 22-53).

- <Claims 2, 31, and 63>

The method of claim 1, wherein said first access point is operable to accommodate

subscribers of each of the plurality of possible wireless service providers (column 2, lines

33-56).

- <Claims 3, 32, and 64>

The method of claim 2, further comprising: the first access point recognizing a System ID

(SID) of a plurality of possible SIDs, wherein each of the plurality of possible SIDs is

associated with a respective one of the plurality of possible wireless service providers

(column 15, lines 42-52 and column 17, lines 3-26).

- <Claims 4, 33, and 65>

The method of claim 3, further comprising: the first access point maintaining associations

between the plurality of possible SIDs and the plurality of possible wireless service

providers (column 15, lines 42-58 and column 17, lines 3-26).

- <Claims 5, 34, and 66>

The method of claim 3, further comprising: the first access point maintaining associations

between the plurality of possible SIDs and the plurality of active subscribers (column 10,

lines 36-53 and column 17, lines 3-26).

- <Claims 6, 35, and 67>

  The method of claim 2, further comprising: the first access point broadcasting a plurality of possible SIDs, wherein each of the plurality of possible SIDs is associated with a respective one of the plurality of possible wireless service providers (column 12, lines 27-35 and column 17, lines 3-26).

- <Claims 7, 36, and 68>

  The method of claim 1 wherein said first access point is operable to function as a wireless service provider access point for each of the plurality of possible wireless service providers (column 10, lines 22-53 and column 17, lines 3-26).

- <Claims 8, 37, and 69>

  The method of claim 1 wherein said first access point comprises computer software which implements a plurality of virtual access points, wherein each virtual access point corresponds to one of the plurality of possible wireless service providers, and wherein each virtual access point provides network access services to the corresponding wireless service provider (column 10, lines 31-35).

- <Claims 9, 38, and 70>

  The method of claim 8 wherein each virtual access point provides access point functionality implemented in software, wherein each virtual access point appears as a physical access point to the portable computing device (column 10, lines 22-53).

- <Claims 10, 39, and 71>

  The method of claim 8 wherein each virtual access point executes a wireless protocol stack (column 13, lines 48-67).

- <Claims 12, 41, and 73>

  The method of claim 8 wherein each virtual access point includes an Extended Service Set ID (ESSID), and wherein each ESSID corresponds to one of the plurality of possible wireless service providers (column 18, lines 22-67).

- <Claims 13, 42, and 74>

  The method of claim 1 wherein said providing network access comprises providing the data received from the portable computing device to a destination based on the determined wireless service provider (column 2, lines 33-56).

- <Claims 14, 43, and 75>

  The method of claim 1 wherein the network system is useable by subscribers of each of the plurality of possible wireless service providers (column 2, lines 33-56).

- <Claims 15, 44, and 76>

  The method of claim 1 further comprising: maintaining and storing a usage amount by the portable computing device; wherein the determined wireless service provider charges for access by the portable computing device to the network (column 36, lines 34-54).

- <Claims 16, 45, and 77>

  The method of claim 1 wherein the network system includes a memory medium which stores a data structure comprising a list of identification information and a corresponding list of the plurality of possible wireless service providers; and wherein said determining the wireless service provider for the portable computing device includes accessing the memory medium and using the received identification information to determine the wireless service provider (column 10, line 54 through column 11, line 8).

- <Claims 17 and 47>

    The method of claim 1 wherein the network system includes a memory medium which

    stores a data structure comprising a list of identification information, a corresponding list

    of the plurality of possible wireless service providers, and associated methods for

    providing data to the respective plurality of possible wireless service providers; and

    wherein said determining the wireless service provider for the portable computing device

    includes accessing the memory medium, using the received identification information to

    determine the wireless service provider, and using an associated method for providing the

    data to the wireless service provider (column 10, line 54 through column 11, line 8).

- <Claims 18 and 49>

    The method of claim 17 wherein the data structure stores a destination address indicating

    a destination specified by the wireless service provider; and wherein said providing the

    data comprises providing the data to the destination specified by the wireless service

    provider (column 10, line 54 through column 11, line 8).

- <Claims 19, 50, and 78>

    The method of claim 1 wherein the plurality of access points are maintained by a first

    wireless service provider; and wherein the identification information indicates a second

    wireless service provider (column 6, lines 52-67).

- <Claims 20, 51, and 79>

    The method of claim 1 wherein the identification information comprises a System ID,

    wherein the System ID uniquely identifies the wireless service provider of the plurality of

    possible wireless service providers (column 18, lines 22-67).

- <Claims 21, 52, and 80>

The method of claim 1 wherein the identification information comprises an Extended

Service Set ID (ESSID), wherein the ESSID uniquely identifies the wireless service

provider of the plurality of possible wireless service providers (column 18, lines 22-67).

- <Claims 22, 53, and 54>

The method of claim 1 further comprising: the first access point receiving identification

information from a portable computing device, wherein the identification information

indicates a first wireless service provider of the plurality of possible wireless service

providers; determining the first wireless service provider for the portable computing

device after receiving the identification information; the first access point receiving data

from the portable computing device; providing the data received from the portable

computing device to a destination associated with the first wireless service provider; the

first access point receiving identification information from the portable computing

device, wherein the identification information indicates a second wireless service

provider of the plurality of possible wireless service providers; determining the second

wireless service provider for the portable computing device after receiving the

identification information; the first access point receiving data from the portable

computing device; and providing the data received from the portable computing device to

a destination associated with the second wireless service provider (column 10, lines 22-

53).

- <Claims 23, 56, and 81>

    The method of claim 1 wherein the plurality of access points are arranged at known locations in a geographic region, the method further comprising: the first access point providing geographic location information indicating a known geographic location of the portable computing device; wherein said providing network access comprises selectively providing network access to the portable computing device based on the known geographic location of the portable computing device (column 8, lines 38-51).

- <Claims 24, 57, and 82>

    The method of claim 1 wherein the plurality of access points are arranged at known locations in a geographic region, the method further comprising: the first access point providing geographic location information indicating a known geographic location of the portable computing device; and determining an access level for the portable computing device after receiving the identification information; wherein said providing network access comprises selectively providing network access to the portable computing device based on the known geographic location of the portable computing device and the determined access level (column 5, lines 40-56 and column 8, lines 38-51).

- <Claims 25, 58, and 83>

    The method of claim 1 further comprising determining an access level for the portable computing device after receiving the identification information; the first access point receiving data from the portable computing device; and providing the data received from the portable computing device to a destination based on the determined access level (column 5, lines 40-56).

- <Claims 26 and 59>

  The method of claim 25 wherein said providing the data comprises: providing the data to

  one or more resources on the network to allow the portable computing device access to

  the one or more resources on the network if the access level is a first access level; and

  providing the data to a destination for external access out of the network to only allow the

  portable computing device access to other networks if the access level is a second access

  level; wherein, if the access level is a second access level, the data is not provided to the

  one or more resources on the network (column 32, lines 48-57).

- <Claims 27 and 60>

  The method of claim 26 further comprising: assigning a wireless communication channel

  for communication between the first access point and the portable computing device

  (column 7, lines 51-61).

- <Claim 28>

  The method of claim 27 wherein the first access point assigns the wireless

  communication channel for communication between the first access point and the

  portable computing device (column 8, lines 16-20).

- <Claims 29 and 61>

  The method of claim 27 wherein said assigning comprises assigning the wireless

  communication channel based on one or more of: the identification information received

  from the portable computing device, the determined wireless service provider, or a

  determined access level for the portable computing device, wherein said determined

access level is determined after receiving the identification information (column 8, lines

21-29).

- <Claim 46>

The network system of claim 45 wherein the memory medium is comprised in one or

more of the access points (column 10, lines 22-35).

- <Claim 48>

The network system of claim 47 wherein the memory medium is comprised in one or

more of the access points (column 10, lines 22-35).

- <Claim 55>

The network system of claim 30 wherein each of the plurality of access points is operable

to provide the data to the destination in a secure manner (column 4, lines 51-59).

Since all the limitations of the invention as broadly set forth in claims 1-10, 12-39, 41-71, and

73-83 were disclosed by Feder, claims 1-10, 12-39, 41-71, and 73-83 are rejected.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

14.   Claims 11, 40, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Feder, as applied above, in view of Diepstraten et al. (U.S. Patent Number 5,991,287),

hereinafter referred to as Deipstraten.

15.   Feder disclosed a wireless data network which provides communications with a point-to-point protocol server. In an analogous art, Diepstraten disclosed a wireless computer network having a plurality of access points for information transfer. Although Feder's system did not explicitly state that an IEEE 802.11 wireless protocol stack could be used, Diepstraten did disclose this. Since the inventions both encompass the field of endeavor of a wireless communications network, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system provided by Feder by adding the IEEE 802.11 wireless protocol stack as provided by Diepstraten in order to comply with the IEEE requirements as set forth in IEEE 802.11.

16.   Thereby, the combination of Feder and Diepstraten discloses:

*   <Claims 11, 40, and 72>

    The method of claim 10 wherein the wireless protocol stack comprises an IEEE 802.11 wireless protocol stack (column 3, lines 12-14).

Since the combination of Feder and Diepstraten discloses all of the above limitations, claims 11, 40, and 72 are rejected.

Conclusion

17.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 703-308-6165. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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